

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JOSE PEDRO ZAVALA RIVAS)

15137 Arum Place)

Woodbridge, VA 22191)

Plaintiff,)

v.)

Case No. 1:19-cv-2626

U.S. DEPARTMENT OF JUSTICE)

EXECUTIVE OFFICE)

FOR IMMIGRATION REVIEW)

5107 Leesburg Pike)

Falls Church, VA 22041)

Defendant.)

COMPLAINT

1. Plaintiff brings this action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, seeking the disclosure and release of agency records improperly withheld from the plaintiff by defendant Executive Office for Immigration Review (EOIR).

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 522(a)(4)(B) and 28 U.S.C. § 1331.

3. Venue is proper under 5 U.S.C. § 522(a)(4)(B).

THE PARTIES

4. EOIR is the administrative agency charged with conducting removal proceedings under 8 U.S.C. § 1229a. EOIR is headquartered at 5107 Leesburg Pike, Falls Church, VA 22041, outside the judicial district of the United States District Court for the District of Columbia.

5. Plaintiff Jose Pedro Zavala Rivas is a non-citizen residing in the United States. He was previously in deportation proceedings and plans to seek reopening of those

proceedings to pursue relief under NACARA (Title II, Pub. L. 105-100). He cannot do so without reviewing the records of his prior proceedings.

**PLAINTIFF'S FOIA REQUEST AND THE DEFENDANT'S
FAILURE TO RESPOND**

6. Plaintiff filed a FOIA request with defendant on or about January 7, 2019. Ex. 1.
7. By letter dated February 9, 2019, defendant acknowledged receipt of this request, assigning control number 2019-14478. Ex. 2.
8. To date, EOIR has provided no records in response to the FOIA request, notwithstanding FOIA's requirement of an agency response within twenty (20) working days.
9. Pursuant to 5 U.S.C. § 522(a)(6)(C)(i), plaintiff has exhausted his administrative remedies, and may seek judicial review.
10. Defendant has wrongfully withheld the requested records from the plaintiff.

REQUESTED RELIEF

WHEREFORE, plaintiff respectfully requests that this Court:

- A. Order defendant to disclose the requested records to the plaintiff;
- B. Provide for expeditious proceedings in this action;
- C. Award plaintiff his costs and reasonable attorneys' fees incurred in this action;
- and
- D. Grant such other relief as the Court may deem just and proper.

Respectfully submitted,

/s/ Benjamin G. Messer

Benjamin G. Messer

D.C. Bar No. 1026815

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